THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 3118 of 2005

Date:28-09-2007

Between:

Kothim Chellayyamma Devi

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Petitioner

AND

The District Collector, East Godavari and two others

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Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in trying to distribute the house site pattas without conducting Gram Sabha for selecting the beneficiaries for grant of house site pattas for weaker sections, S.Cs., S.Ts. and B.Cs. in Divili Gram Panchyayat, Peddapuram mandal, East Godavari District in Sy.Nos. 18/2, 89/2B and 91 of Divili Gram Panchyayat, Peddapuram madnal, East Godavari District and in not obtaining the approved layout of the plots from Gram Panchayat, as illegal and arbitrary and consequently direct the respondents to select the beneficiaries by conducting the Gram Sabha and obtain the layout approval from the Gram Panchayat.

The petitioner herein is the Sarpanch of Divili Gram Panchayat. It is stated that an extent of land of Ac.2.70 cents in Sy.Nos.18/2, 89/2B and 91 of Divili Gram Panchayat for distributing house site pattas to the beneficiaries has been acquired by the revenue authorities and accordingly land acquisition proceedings have been initiated and by conducting thorough enquiry

80 beneficiaries have been identified and selected and house site pattas were also distributed on 28.02.2004. The allegation of Mandal Revenue Officer collecting bribe of Rs.5,000/- from the beneficiaries is denied. It is stated that as per G.O.Ms.No.4, Municipal Administration Department, dated 04.01.1999 the powers have been delegated for approval of the layouts in respect of notified Gram Panchayats and Gram Panchayats falling in Urban Development Authority by the Regional Deputy Director of Town Planning and for approval of the

layout, the Gram Panchayat has nothing to do with the competent authority and no permission is required for identification of the beneficiaries.

In view of the aforesaid counter filed by the respondents that as the beneficiaries have already been selected and house site pattas have also been distributed to them in the year 2004, no cause of action survives in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:28.09.2007
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